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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

Nirvachan Sadan, Plot No. 2, Sector- 17,
Panchkula, Haryana – 134109

Notification

The 4th February, 2020

No. SEC/1ME/2020/172.— In exercise of power vested under clause (1) of the Article 243 ZA of the Constitution of India, Section 3A of the Haryana Municipal Act, 1973 and rule 19 (1) the Haryana Municipal Elections Rules, 1978 and all other powers enabling it in this behalf, State Election Commission, Haryana, hereby prescribes the following election programme for the conduct of the Bye- elections of W. No. 03 of Municipal Committee, Samalkha (Panipat), W. No. 09 of Municipal Committee, Pundri & W. No. 12 of Municipal Committee, Rajound (Kaithal) and W. No. 04 of Municipal Committee, Bawani Khera (Bhiwani):-

(1)	Date on which notice shall be published by the Returning Officer for inviting nominations under Rule 20.	06.02.2020 (Thursday)
(2)	Dates on which Nomination papers shall be presented and posted under Rule 19(2)(i)&(ii).	12.02.2020 (Wednesday) to 17.02.2020 (Monday) (Except 16.02.2020 being Sunday)
(3)	Date on which the nomination papers shall be scrutinized under Rule 19(2)(iii)	18.02.2020 (Tuesday) 11.30 A.M. onwards
(4)	Last date for withdrawal of candidature under Rule 19(2)(vi).	19.02.2020 (Wednesday) Between 11.00 A.M and 3.00 P.M.
(5)	Date on which symbols shall be allotted to the contesting candidates.	19.02.2020 (Wednesday) After withdrawal of candidature
(6)	Date on which the list of contesting candidates shall be posted under Rule 19(2)(vii).	19.02.2020 (Wednesday)
(7)	Date on which list of polling stations shall be posted under Rule 19(2)(viii).	19.02.2020 (Wednesday)
(8)	Date on which the poll shall be held under Rule 19(2)(ix).	01.03.2020 (Sunday)
(9)	Timing of the poll.	Between 7.30 A.M. and 4.30 P.M.
(10)	Date, time and place on which the votes polled shall be counted.	Immediately after the close of poll in all the polling stations.
(11)	Date on which the election result would be declared.	Immediately after the completion of counting in all the polling stations.

2. The State Election Commission, Haryana in exercise of powers vested under Rule 19 (3) & (4) of the Haryana Municipal Election Rules, 1978, authorize the concerned Deputy Commissioner, Panipat, Kaithal and Bhiwani to designate a Returning Officer and Assistant Returning Officer who shall be the officers of the Government for the conduct of the Bye-elections of W. No. 03 of Municipal Committee, Samalkha (Panipat), W. No. 09 of Municipal Committee, Pundri & W. No. 12 of Municipal Committee, Rajound (Kaithal) and W. No. 04 of Municipal Committee, Bawani Khera (Bhiwani).

3. The Returning Officer shall publish a notice of the above election programme on 06.02.2020 at his office, office of the Deputy Commissioner and Municipal Committee concerned and at such other conspicuous places in the area of the Municipal Committee in which the elections are to be held, as determined by him in this behalf under Rule 20 of the Haryana Municipal Election Rules, 1978. No nomination shall be filed on 16.02.2020 being public holiday. The information about the nomination papers must be hosted in the website of the Municipal Committee concerned at least by 4.00 P.M. every day, during nomination period.

4. The Commission further directs that after the withdrawal of candidature a list of validly nominated candidates shall be prepared by the Returning Officer under rule 28 of the Haryana Municipal Elections Rules, 1978, in Hindi and English. A list of every stage i.e. nomination received, nomination rejected, nomination withdrawal and contesting candidates etc. with every detail shall be published and posted at some conspicuous places and in the office of the concerned Returning Officer or at the concerned Municipal Committee office.

5. The Commission under Section 275 (1A) of the Haryana Municipal Act, 1973 read with Rule 49 of the Haryana Municipal Election Rules, 1978, hereby specifies that the voting shall be casted by and recording of votes by voting machines [Electronic Voting Machines (EVMs)] in the Bye-election of the Municipal Committee concerned.

6. The Commission further directs to implement the option "None of above (NOTA)" on EVMs/Ballot papers" in these Elections. The directions in this respect given in Commission's order issued under Endst. No. SEC/1ME/2016/3653-3659 dated 14th December, 2016 and further modification No. SEC/1ME/2018/5833-5880 dated 22.11.2018 be followed meticulously. However, the salient features of the NOTA are as under:-

- (i) NOTA shall be treated as a 'Fictional Electoral Candidate' while declaring the election results.
- (ii) In case, a contesting candidate and the "Fictional Electoral Candidate" i.e. NOTA securing highest and equal number of valid votes; then the contesting candidate (not NOTA) shall be declared as elected.
- (iii) If in any election, all the contesting candidates individually receive lesser votes than the 'Fictional Electoral Candidate' i.e. NOTA, then none of the contesting candidates will be declared as elected.
- (iv) In case of situation arising under sub-section (iii) above, fresh election shall be held for that seat. Further all such contesting candidates who secured less votes than NOTA shall not be eligible to re-file the nomination/contest the re-election for which they were declared ineligible.
- (v) However, if in re-election, NOTA again gets highest votes, then re-election will not be taken for second time and contesting candidate with highest votes (excluding NOTA) shall be declared as elected.

The following procedure shall be followed in such circumstances,

- (i) If a Returning Officer, upon completion of counting of votes but before declaration of result, finds that NOTA has received higher valid votes than all other contesting candidates individually; then he (i.e. Returning Officer) shall not declare the result for that particular seat/s and shall immediately send his report to State Election Commission.
- (ii) Upon receipt of such report, the State Election Commission shall after satisfaction, declare the fresh election programme for the said seat/s.

7. The Commission further directs to print the photographs of the contesting candidates on the ballot papers alongwith other particulars to be displayed on the balloting unit of EVMs and in the tender ballot papers in addition to the existing particulars. The photograph of the candidate shall be printed in the panel for the name of the candidate and appear on the right side of the name in between the name and symbol of the candidate. The size of the photograph to be printed on the ballot paper shall be 2 cm x 2.5 cm (2 cm in breadth and 2.5 cm in height).

8. It is further directed that all voters of the respective area who have been issued the Electoral Photo Identity Cards for Assembly and Lok Sabha Elections and whose Electoral Photo Identity Card numbers have been mentioned in case of the Municipal Voters list also, shall have to produce these cards to exercise their franchise when they coming to the polling stations for voting, the polling for which is scheduled to take place **01.03.2020**. If any elector has not been issued Electoral Photo Identity Card by the Election Commission of India, he/she will have to produce any one out of the following documentary evidence to establish his/her identity:--

(i)	Driving License,
(ii)	Income Tax Identity (PAN) Card,
(iii)	Service Identity Card issued to employees by Central/State Government Offices, Public Sector Undertakings, Local Bodies or other public Limited Company,
(iv)	Pass Book of accounts, having photograph, opened in a scheduled bank or post office,
(v)	Freedom Fighter Identity Card having photograph,
(vi)	SC/ST/OBC certificate having photograph, issued by competent authority,
(vii)	Certificate of Physical Handicap having photograph issued by the Competent Authority,
(viii)	Arms License having photograph,
(ix)	Job Cards with photograph issued under the National Rural Employment Guarantee Scheme,
(x)	Property documents with photographs such as Pattas, Registered Deeds etc.,
(xi)	Pension Documents such as Ex-Servicemen Pension Book/Pension Payment Order, Ex-Servicemen's Widow/Dependent Certificate, Old Age Pension Order, Widow Pension Order, with photograph,
(xii)	Health Insurance Scheme Smart Cards with Photograph,
(xiii)	Ration Cards or any other similar documents establishing the identity of the electors to the satisfaction of the Presiding Officer, having photograph.
(xiv)	Aadhar Card issued by UIDAI
(xv)	Passport

In case of an odd elector, who does not possess any of the above cards, he/she would be allowed to vote, if he/she is able to establish his/her identity to the satisfaction of the Presiding Officer and such other Polling Officer authorized by the Presiding Officer in this behalf.

9. It is further directed to make the following security arrangements for the conduct of free, fair and peaceful elections:-

- i. Adequate police personnel shall be deployed at the polling stations, counting centers for security and maintenance of law and order to ensure peaceful, smooth and fair election.
- ii. Daily law and order report shall be sent to the State Election Commission till the election process is complete.
- iii. A copy of the plan for deployment of Executive Magistrates and police personnel be also sent to this Commission well in time.
- iv. Provide security to the contesting candidates, if they desire so.
- v. It shall be ensured that no untoward incident takes place during elections.

10. In order to curb undesirable and illegal activities, the Commission hereby imposes restriction to hire or procure not more than 02 vehicles or vessels whether on payment or otherwise, for use by a contesting candidate himself or his agents or his supporters on the day of poll during the Municipal Election. It is also stated that:-

- i. The expression "Vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise, and whether used for drawing other vehicle or otherwise.
- ii. The contesting candidates shall be issued permits as per proforma prescribed by the Commission appended herewith. The permits shall be issued to the contesting candidates at least 2 days before the day of poll.
- iii. The District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their supporters to prevent possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a contesting candidate or a private owner, is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the minds of the voters, it shall be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, accordingly action against the owner, the occupant/occupants and the candidate who is involved in such illegal activities shall also be taken as per law.
- iv. The District Administration shall launch a drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the process of elections.

- v. All recognized National/State Political Parties in the State of Haryana immediately and to each contesting candidates, or an agent authorized by him be intimated in this respect.
- vi. Permit in this respect shall be issued in the Performa given here as under:-

PROFORMA
MUNICIPAL ELECTIONS, 2020

Permit No. _____

Municipal Committee _____

Name of Candidate _____

Ward No. _____ Vehicle Number _____

Returning Officer
Seal

11. The Commission further directs that the counting of votes polled at the election to the seat of member of municipality shall be taken up after the close of poll at all polling stations of the concerned municipality on the same day. The detail (Accounts) of votes polled at each polling station shall be prepared in Part-II of Form 18 by the Presiding Officer and forwarded to the concerned Returning Officer for consolidation of counting votes on Form 8 mentioning therein the total number of valid votes polled in favour of each candidates on each polling station and declare the candidate, who is found to have obtained the largest number of votes, as elected member from the ward.

12. The Commission further directs that after the declaration of result of election under Rule 62, the Returning Officer shall forthwith post a copy of return (i.e. Form 8- Consolidation of account of the counted ballot papers) at a conspicuous place in his office and send a copy thereof to the Deputy Commissioner, who shall forward immediately but not later than three days, the names of the candidates elected to the State Election Commission, Haryana for notifying the same in official gazette. The Deputy Commissioner shall ensure that the names and other particulars of the elected candidates should be the same as are recorded in the nomination paper.

13. The Commission further directs that the information pertaining to the criminal antecedents of the contesting candidates obtained in the prescribed forms alongwith nomination paper be hosted on the officials website of district administration and the same shall remain hosted on the website till the completion of next general election of that municipal institution. The directions in this respect given in Commission's letter No. SEC/1ME/2017/1117-38 dated 2nd June, 2017 be followed meticulously.

14. The Commission further directs that election expenditure limit to be incurred by the contesting candidate or his authorized election agent(s) in connection with the election of Municipal Committee is Rs.2,00,000/-.

15. The Commission further directs that if any person whose name is not included in the ward wise electoral roll finally published, may apply (in relevant Form i.e. Form "A" or "B") to the Deputy Commissioner for addition/deletion/correction of his name in the ward wise electoral roll. However, the addition/deletion or correction of any name in the ward wise electoral roll of a Municipal Committee shall only be made, if the name of claimant/applicant exists in the relevant part of assembly electoral roll till the first day of filing nomination papers.

16. The Commission further directs that all contesting candidates are required to maintain account of election expenditure and submit the same within 30 days from the date of declaration of the result of the election to the Deputy Commissioner or an officer authorized by the State Election Commission, failing which the defaulting candidate shall be liable to be disqualified under Section 13F of the Haryana Municipal Act, 1973 and Haryana Municipal Election Expenditure (Maintenance and submission of accounts) Order, 2017, for a period of five years from the date of issue of such order. The Deputy Commissioner or an officer authorized by the State Election Commission shall check account of election expenses and send a list of contesting candidates who have filed and not filed the election expenditure statement, to the Commission within a period of 7 days from the completion of prescribed time limit of 30 days.

DR. DALIP SINGH,
State Election Commissioner, Haryana.